Source: *American Medical Association Advocacy Research Center*

State	Arbitration/Mediation and Pre-Trial Screening Panels	Expert Testimony & Qualifications	Affidavit/ Certificate of Merit	Statute of Limitations
Colorado	Arbitration is not mandated but is permitted. (CRS §13-64-403 (2002))	Experts must be licensed to practice in the state and be substantially familiar with the applicable standards of care and practice as they relate to the act or omission which is the subject of the claim on the date of the incident. The court shall not permit an expert in one medical subspecialty to testify against a physician in another medical subspecialty unless the expert shows substantial familiarity between the specialties and that the standards of care and practice in the two fields are similar. The limitations in this section shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment. (C.R.S. § 13-64-401)	A certificate of review must be filed by the plaintiff or his attorney within 60 days after a complaint is served. The certificate must state that an expert was consulted, and the expert is competent to express a medical opinion on the case at issue. Failure to file a certificate will result in dismissal of the claim. (C.R.S. § 13-20-602)	Medical malpractice: within two years of the date when the alleged negligent act took place, and when its cause is known or should have been known. In no case may a claim be brought more than three years after the cause that gave rise to the action is known, unless the act or omission: was knowingly concealed; involved leaving a foreign object in the body; or both the act and injury otherwise could not have been discovered through the reasonable exercise of due diligence. Minors: minors under the age of 6 on the date of the alleged act or omission, must file an action before his or her eighth birthday Mentally incompetent or legally disabled: within two years of the discharge of disability status or within the applicable statute of limitations, whichever is later. Wrongful death: within two years of the date of death (CRS §§ 13-80-102.5, 13-8-103)
	Arbitration is permitted but not required. (7-901) Informal and nonbinding pre-trial screening panels are mandatory. Hearing Panels are appointed by the Board of Medicine and shall include a physician, attorney, and layperson agreed to by the panelists. In cases involving hospitals a hospital administrator shall also be appointed to the panel. (Idaho Code §§ 6.1001 through 6.1011)	To establish medical malpractice, the plaintiff must affirmatively prove by direct expert testimony and by a preponderance of all the competent evidence, that such defendant negligently failed to meet the applicable standard of care. The expert must possess professional knowledge and expertise coupled with actual knowledge of the applicable community standard to which his or her expert opinion testimony addresses. (Idaho Code §§ 6-1012, 6-1013)	No	Medical malpractice: within two years from the time of the occurrence of the wrongful act or omission at issue Foreign objects: within two years of when the claimant became aware of the injury, or one year following the date of the accrual, whichever is later Wrongful death: within two years of the date of death (Idaho Code § 5-219)

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Montana	Claimants must submit all malpractice claims or potential malpractice claims filed against health care providers to the panel prior to filing a complaint. Six members shall sit on the panel, including three attorneys and three providers from the same profession as the defendant (i.e. if the defendant is a physician, three physicians). The panel must decide whether there is substantial evidence that the acts complained of occurred, that they constitute malpractice, and whether there is a reasonable probability that the patient was injured thereby. The panel's decision must be in writing, but is not binding on any party. The panel's decision is not admissible in court, and no member of the panel may be called to testify at a subsequent trial. The panel may recommend an award, as well as discuss and approve settlement agreements. (Mont. Code Ann. § 27-6-101, et al.)	Expert testimony is generally required to establish a cause of action for medical malpractice. (Mont. Code Ch. 10 Rule 702)	No	Actions for injury or death based on alleged professional negligence shall be filed within three years of the date of the alleged negligence or the date when the negligence should have reasonably been discovered. No claims may be brought more than five years after the alleged negligence occurred. Minors under four: statute is tolled until the eighth birthday, or death, whichever is earlier, or during any period the child does not reside with a parent or guardian. (Mont. Code Ann. § 27-2-20
Nebraska	A medical review panel shall provide their expert opinion as to whether the defendant failed to meet the standard of care, or if there is a material issue of fact, not requiring expert opinion, bearing on liability for consideration by the court or jury. The panel shall consist of three physicians and one non-voting attorney who shall chair the panel. Each party to the action shall select one physician and these physicians shall agree on a third physician to sit on the panel. A fourth member shall be added in cases involving hospitals. The decision by a majority of the members of the panel shall be submitted to the court in writing. Either party may request a copy of the minority report if one exists. The majority and minority report may be submitted as evidence and any member of the panel may be called as a witness. (RRS Neb. §§ 44-2840 through 44-2847)	Expert testimony is required to establish a prima facie case of negligence in common law.	No	Medical malpractice: within two years after the act/omission giving rise to the action, or within one year after the claimant discovered/should have discovered the act/omission. Ten year statute of repose. (RRS Neb. § 44-2828) Under age 21: statute is tolled until claimant reaches age 21. (RRS Neb. § 25-213) Mental disorder: Statute is tolled until the disorder is removed. (RRS Neb. § 25-213)
South Dakota	Not mandated, but permitted. Arbitration panel determines existence of liability, then gives the parties 30 days to agree on damages. If the parties fail to agree, the panel will make a determination. (SD Codified Laws §	Expert testimony must be introduced to establish negligence.	No	Medical malpractice: within two years from the date of the alleged malpractice. Minor – within three years after the alleged malpractice, error, mistake, or failure to cure occurred, unless the minor is less than six years of age at the time the alleged malpractice occurred then within two years after the minor's sixth birthday. (SD Codified laws §§ 15-2-14.1 and 15-2-22.1 and 15-2-22)

Wyoming & Surrounding States

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State	Arbitration/Mediation and Pre-Trial Screening Panels	Expert Testimony & Qualifications	Affidavit/ Certificate of Merit	Statute of Limitations
Utah	Arbitration agreements between a patient and health care provider are valid and enforceable. (78-14-17) Claimants may request a pre-litigation hearing. The panel conducting the hearing shall include a lawyer, health care provider who is practicing and knowledgeable in the same specialty as the proposed defendant, a lay person, and if the claim is against only a hospital or their employees a hospital administrator. The panel shall issue a written opinion whether the claim(s) against the defendant(s) has merit or no merit, and if a claim is determined to have merit, whether the conduct resulted in harm to the claimant. The panel's decision shall not be subject to judicial review or appeal and their decision shall not be admissible as evidence in any subsequent action. Members of the panel may also not be called to testify. The panel's decision may be binding if agreed to in writing by the parties. (78-14-12 through 78-14-16)	Expert testimony must be presented to establish a deviation below the standard of care, unless the facts are knowledgeable to a lay person.	No	Medical malpractice: within two years of the date the injury was/should have been discovered, but in no event more than four years after the negligent act. Wrongful death: same Foreign object: within one year from the date the object was/should have been discovered (four year limit does not apply) Minors/disabled: Same (NOTE: limits ruled unconstitutional for minors) (Utah Code Ann. § 78-14-4)
Wyoming	Arbitration permitted but not required. (Wyo. Stat. 1-36-[illegible]	None	No	Medical malpractice claims must be brought within two years from the alleged act, error, or omission. If the claimant can prove the alleged act, error, or omission was not discoverable within a two year period, or failed to discover it within the two years despite due diligence then the cause of action must be brought within two years from the date of discovery. (if act discovered during the 2nd year of the two year period from the date of the act, the statute of limitations shall be extended six months) Minor: must be brought before minor's eighth birthday or as above, whichever is greater. Disabled: within one year from the removal of the disability. (Wyo. Stat. 1-3-107)